



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/518,908

09/01/2005

Peter Wollwage

4358-15

6597

23117 7590 12/23/2008  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

SUTTON, DARRYL C

ART UNIT

PAPER NUMBER

1612

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/518,908	<b>Applicant(s)</b> WOLLWAGE, PETER	
	<b>Examiner</b> DARRYL C. SUTTON	<b>Art Unit</b> 1612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

Applicant's arguments filed 09/10/2008 have been fully considered. Rejections and/or objections not reiterated from previous Office Actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set of rejections and/or objections presently being applied to the instant application.

#### ***Claim Rejections - 35 USC § 103***

Claim 21 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kross et al. (US 5,100,562) in view of Watson et al. (US 5,565,145).

The rejection is maintained.

Applicant argues that the sodium peroxide is used just for bleaching purposes, not in-situ production of chloride; and that it is not clear why one would have been motivated to combine the bleaching agent of Watson et al. with the formulation of Kross et al.

The Examiner disagrees. Kross et al. teach dentifrice compositions for oral hygiene comprised of an oxidations means, See page 9 of Non-final Office action. Watson et al. teach dentifrice compositions for cleansing prosthetics, such as dentures, with oxidizing agents including sodium peroxide and persulfate bleach, i.e. Oxone, a hydrogen peroxosulfate composition. It is prima facie obvious to select a compound based on its suitability for its intended use. See MPEP 2144.07. Therefore, it would

Art Unit: 1612

have been obvious to incorporate the oxidizing agent of Watson et al. into the dentifrice composition of Kross et al.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pollock et al. (US 5,270,032) in view of Yoshida et al. (US 4,486,330).

Pollock et al. teach a method for treating Candida infection of the surfaces and cavities of dentures. The method comprises contacting an antifungal formulation onto the surface or cavity infected with Candida fungus (Abstract, column 5, lines 35-40, column 6, lines 8-11). The compositions further comprise bicarbonate ions, i.e. sodium bicarbonate, and if desired chloride ions, and sweetening and flavoring agents (column 5, lines 55-61, column 8 lines 45-46). A denture tablet cleaning tablet is comprised of sodium bicarbonate, sodium lauryl sulfate, potassium monopersulfate, citric acid and a flavoring agent, the tablet is dissolved in water and provides a soaking solution for dentures (column 13, lines 34-55, Example 10). The compositions are also prepared in the form of mouthrinses and mouthsprays (column 11, Example 6, Example 7 and Example 8).

Pollack et al. do not teach that the source of chloride, i.e. chloride compound, is sodium chloride; or that the composition is comprised of PVP.

Yoshida et al. teach cleaning compositions for an artificial denture which comprises  $\beta$ -1, 3-glucanase together with one or more suitable carriers (Abstract). The compositions remove *Candida albicans* from dentures and are in the form of solid preparations such as tablet, pill, granule, fine particle and powder (column 1, lines 62-65, column 2, lines 26-28 and 39-42). Suitable excipients and adjuvants include citric acid, polyvinylpyrrolidone, sodium chloride and sodium bicarbonate.

Yoshida et al. do not teach a method of disinfecting dentures with a composition comprised of an oxidizing agent.

It is prima facie obvious to select a compound based on its suitability for its intended purpose. See MPEP 2144.07. Therefore, it would have been obvious to use sodium chloride as an adjuvant and chloride source; and polyvinylpyrrolidone as an adjuvant in the compositions of Pollock et al.

Since the compositions suggested by combining Pollack et al. and Yoshida et al. are comprised of substantially the same components as that of the instant claims, it would reasonably be expected to be comprised of an oxidizing agent with the oxidation potential limitations of claim 1, and to produce a pH value less than 5 when dissolved in an aqueous solution.

Where the prior art discloses the general conditions of a claim, it is not inventive to determine optimum or workable ranges through routine experimentation. The ability

Art Unit: 1612

of the composition to disinfect a body part or dental object can be optimized through routine experimentation by varying the amounts of each component in the composition.

No claims are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 1612

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darryl C. Sutton whose telephone number is (571)270-3286. The examiner can normally be reached on M-Th from 7:30AM to 5:00PM EST or on Fr from 7:30AM to 4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frederick Krass, can be reached at (571)272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Darryl C Sutton/  
Examiner, Art Unit 1612

/Frederick Krass/  
Supervisory Patent Examiner, Art Unit 1612